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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,214	02/24/2004	Robert Lee Burchette JR.	30924-001	8815

7590 10/18/2005  
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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/785,214	<b>Applicant(s)</b> BURCHETTE, ROBERT LEE	
	<b>Examiner</b> Vernal U. Brown	<b>Art Unit</b> 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The application of Robert Burchette for Fingerprint Vehicle Access System filed 02/24/04 has been examined. Claims 1- 18 are pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-5, 7, 9-10, and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu et al. US Patent 6100811.

Regarding claims 1, 10, 14, and 16, Hsu et al. teaches a device as shown by figure 5 to provide fingerprint access to a vehicle comprising: a housing including an electronic fingerprint sensor 14; an inherent means for connecting the device to a power source (the device must have a power supply in order to operate); a chip for storing information identifying an electronic fingerprint (col. 4 lines 57-59); means to activate at least one device whereby activation of said device allows access control (col. 4 lines 26-40).

Regarding claim 2, Hsu et al. teaches providing means to deactivate at least one device whereby deactivation of said device denies access deactivating the security system and denies access to starting the engine evidenced by the locking mechanism that locks the door and denies access to the starting the vehicle's engine (col. 4 lines 65-col. 5 line 3).

Regarding claims 3-4 and 15, Hsu et al. teaches the use of the image of a human fingerprint (col. 4 lines 26-35).

Regarding claim 5, Hsu et al. teaches a switching device (col. 4 lines 63-65) and teaches the use of application specific integrated circuit (ASIC) (col. 6 lines 17-20) and an ASIC is inherently attached to a circuit board.

Regarding claim 7, Hsu et al. teaches the fingerprint sensor 14 is mounted on the external of the vehicle (figure 1).

Regarding claim 9, Hsu et al. teaches having more than one sensor (16b, 16a) mounted on the inside of the vehicle (figure 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 as applied to claims 1 and 5 above, and further in view of Gotfried US Patent 6819248.

Regarding claim 6, Hsu et al. teaches the use of a switching means to control the vehicle function but is silent on teaching the switching means is a relay. Gotfried in an art related System for preventing access invention teaches the use of a relay as a switching means (col. 8 lines 18-

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21) and one skilled in the art further recognizes that a relay is conventionally used as a switching means.

It would have been obvious to one of ordinary skill in the art to have a relay as a switching means in Hsu et al. as evidenced by Gotfried because Hsu et al. suggests a switching means for selectively activating and deactivating a vehicle function as Gotfried teaches the use of a relay as a switching means and one skilled in the art further recognizes that a relay is conventionally used as a switching means.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 as applied to claim 1 above, and further in view of Sasaki et al. US Patent 6414297.

Regarding claim 8, Hsu et al. teaches the sensor 16b is internally mounted (figure 4) but is silent on teaching the sensor is mounted on a transparent surface. Sasaki et al. in an art related fingerprint reading apparatus invention teaches the mounting of a fingerprint sensor on a transparent surface (col. 2 lines 54-56) in order to enable the scanning of the fingerprint using a light source.

It would have been obvious to one of ordinary skill in the art to have the fingerprint sensor of Hsu et al. mounted behind a transparent surface as evidenced by Sasaki et al in order to protect the sensor and enable the scanning of the fingerprint using a light source.

Claims 11-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 as applied to claim 1 above, and in view of Murphy US Patent 6225890 and further in view of Joao US Patent 6542076.

Regarding claims 11-13 and 18, Hsu et al. teaches the stored information is obtained using both an electronic fingerprint and an external device 80 (col. 5 lines 52-55) but is silent on teaching the external device is a PDA. Murphy in an art related Vehicle Use Control invention teaches the use of a biometric sensor in combination with a token for providing identification information to enable a user to gain access to the vehicle (col. 6 line 55-col. 7 line 14) and also teaches password protection of the device (col. 7 lines 15-20) in order to provide added security for controlling access to the vehicle. The reference of Joao teaches the use of a PDA as an external device (col. 22 lines 1-25) to gain access to the vehicle and to transmit command to the vehicle system

It would have been obvious to one of ordinary skill in the art to have an external device in the form of a PDA in HSU et al. as evidenced by Murphy in view of Joao because Hsu et al. suggests fingerprint and an external device to verify user identity and Murphy teaches the use of a biometric sensor in combination with a token for providing identification information to enable a user to gain access to the vehicle in order to provide added security for controlling access to the vehicle. The reference of Joao teaches the use of a PDA as an external device to gain access to the vehicle and to transmit command to the vehicle system

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. US Patent 6100811 as applied to claim 1 above, and further in view of Foster, Jr. US Patent 5668929

Regarding claim 17, Hsu et al. inherently includes a power supply for supplying power to the fingerprint identification system of figure 5 but is silent on teaching a rechargeable backup battery for providing power. Foster, Jr. in an art related security system invention teaches the use of a rechargeable backup battery for providing power (col. 8 lines 51-60) in order to provide power when the main power supply is not available .

It would have been obvious to one of ordinary skill in the art to have a rechargeable backup battery for providing power to the reader in Hsu et al. as taught by Foster Jr. in order to provide power when the main power supply is not available and further avoiding an interruption to the power supply or an interruption to the security device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
October 11, 2005



BRIAN ZIMMERMAN  
PRIMARY EXAMINER